



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,653	12/19/2003	William H. Robertson JR.	CE12083JME	3837

7590

03/22/2006

Larry G. Brown
Motorola, Inc.
Law Department
8000 West Sunrise Boulevard
Fort Lauderdale, FL 33322

EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/741,653		ROBERTSON, WILLIAM H.	
	Examiner		Art Unit	
	Dai A. Phuong		2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/09/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-28 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 02/09/2006 have been fully considered but they are not persuasive, claims 1-13 did not amend. However, claims 14-28 have been amended, so that claims 14-28 have been considered but are moot in view of the new ground(s) of rejection. Claim 29 has been canceled. Claims 1-28 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-17, 19-21 and 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Gattey et al. (U.S. 5469505).

Regarding claim 14, Gattey et al. disclose an electronic device 10, comprising: a housing 14, comprising: a fixed housing portion 14 (fig. 4, col. 3 lines 31-46); a removable housing portion 42 having a recess 46 and/or 44 and at least one audio port 67 and/or 38, wherein the audio port 67 and/or 38 is part of the recess 46 and/or 44 (fig. 4, col. 3 lines 31-46); a latching mechanism 48 for assembling the removable housing portion to the fixed housing portion (fig. 4, col. 3 lines 31 to col. 4, lines 34), wherein the latch mechanism comprises: a latch element 48 rotatably coupled to the removable housing portion 42, wherein the latch element rotation includes an orientation for engaging the latch element to assemble the removable housing portion 42 to the fixed housing portion 14 (fig. 4, col. 3 lines 31 to col. 4, lines 34); and an audio channel 38, 67 and/or 66, wherein the audio port is part of the audio channel and the audio channel is

formed when the removable housing portion is assembled to the fixed housing portion (fig. 4, col. 3 lines 31 to col. 4, lines 34).

Regarding claim 15, Gattey et al. disclose all the limitations in claim 14. Further, Gattey et al. disclose the electronic device wherein the latch element rotation further includes another orientation for disengaging the latch element to disassemble the removable housing portion from the fixed housing portion (fig. 4, col. 3 lines 31 to col. 4, lines 34).

Regarding claim 16, Gattey et al. disclose all the limitations in claim 14. Further, Gattey et al. disclose the electronic device wherein a gap is formed between the latch element and the recess when the removable housing portion is assembled to the fixed housing portion, and further wherein the audio channel comprises the gap (fig. 4, col. 3 lines 31 to col. 4, lines 34).

Regarding claim 17, Gattey et al. disclose all the limitations in claim 14. Further, Gattey et al. disclose the electronic device wherein the latching mechanism further comprises: a secondary latch element 56, wherein the housing is mechanically coupled between the latch element and at least a portion of the secondary latch element, wherein the secondary latch element comprises at least one secondary latch element audio port aligned with the at least one audio port, and further wherein the audio channel further comprises the at least one secondary latch element audio port (fig. 4, col. 3 lines 31 to col. 4, lines 34).

Regarding claim 19, Gattey et al. disclose a method of operating a latching mechanism, comprising the steps of: mechanically coupling a latch element 42 and/or 48 to a recess 36 of a housing 14, wherein the recess 36 includes at least one audio port 38 and/or 46 (fig. 4, col. 3 lines 31-46); creating an audio channel by engaging the latch element within the housing, wherein the

audio ports 38 and/or 46 are part of the audio channel 66 (fig. 4, col. 3 lines 31-46); and porting audio through the audio port of the audio channel (fig. 4, col. 3 lines 31-46).

Regarding claim 20, Gattey et al. disclose all the limitations in claim 19. Further, Gattey et al. disclose the method of operating a latching mechanism wherein the mechanically coupling step includes forming a gap between the latch element and the housing further wherein the audio channel created in the creating step comprises the gap (fig. 4, col. 3 lines 31-46).

Regarding claim 21, Gattey et al. disclose all the limitations in claim 19. Further, Gattey et al. disclose the method of operating a latching mechanism wherein engaging of the latch element within the housing comprises rotating the latch element to an orientation (fig. 4, col. 3 lines 31-60).

Regarding claim 23, Gattey et al. disclose all the limitations in claim 21. Further, Gattey et al. disclose the method of operating a latching mechanism further comprising the step of: disengaging the latch element from the housing by rotating the latch element to another orientation (fig. 4, col. 3 lines 31-60).

Regarding claim 24, Gattey et al. disclose all the limitations in claim 23. Further, Gattey et al. disclose the method of operating a latching mechanism wherein the housing comprises a fixed housing portion mechanically to a removable housing portion, the method further comprising the step of: disassembling the removable housing portion from the fixed housing portion in response to the disengaging step (fig. 4, col. 3 lines 31-60).

Regarding claim 25, Gattey et al. disclose all the limitations in claim 19. Further, Gattey et al. disclose the method of operating a latching mechanism further comprising the step of:

mechanically coupling at least a portion of the housing between the latch element 42 and/or 48 and at least a portion of a secondary latch element 56, wherein the creating of the audio channel step further comprises aligning an audio port of the housing with a secondary latch element audio port of the secondary latch element (fig. 4, col. 3 lines 31 to col. 4, lines 28).

Regarding claim 26, Gattey et al. disclose all the limitations in claim 25. Further, Gattey et al. disclose the method of operating a latching mechanism further comprising the step of: mechanically coupling an audio element to the secondary latch element 56 (fig. 4, col. 3 lines 31 to col. 4, lines 28).

Regarding claim 27, Gattey et al. disclose all the limitations in claim 26. Further, Gattey et al. disclose the method of operating a latching mechanism further comprising the steps of: generating an audio output by the audio element; and transmitting the audio output through the audio channel (fig. 4, col. 3 lines 31 to col. 4, lines 28).

Regarding claim 28, Gattey et al. disclose all the limitations in claim 26. Further, Gattey et al. disclose the method of operating a latching mechanism further comprising the steps of: receiving an audio input; and transferring the audio input to the audio element through the audio channel (fig. 4, col. 3 lines 31 to col. 4, lines 28).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gattey et al. (U.S. 5469505) in view of Gammon et al. (Pub. No: 2005/0014537).

Regarding claim 18, Gattey et al. disclose all the limitations in claim 14. However, Gattey et al. do not disclose the electronic device a keypad, wherein the keypad is assembled between the fixed housing portion and the removable housing portion.

In the same field of endeavor, Gammon et al. disclose the electronic device a keypad, wherein the keypad is assembled between the fixed housing portion and the removable housing portion ([0059] to [0061] and [0063] to [0065]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication device of Gattey et al. by specifically including a keypad, wherein the keypad is assembled between the fixed housing portion and the removable housing portion, as taught by Gammon et al., the motivation being in order to provide mobile terminal including a housing and an electronic circuit positioned in the housing.

Regarding claim 22, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 21. Further, Gammon et al. disclose the method of operating a latching mechanism wherein the housing comprises a fixed housing portion mechanically to a removable housing portion, the method further comprising the step of: assembling a keypad between the fixed housing portion and the removable housing portion in response to the engaging of the latch element within the housing ([0059] to [0061] and [0063] to [0065]).

In the same field of endeavor, Gammon et al. disclose the method of operating a latching mechanism wherein the housing comprises a fixed housing portion mechanically to a removable

housing portion, the method further comprising the step of: assembling a keypad between the fixed housing portion and the removable housing portion in response to the engaging of the latch element within the housing ([0059] to [0061] and [0063] to [0065]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication device of Gattey et al. by specifically including assembling a keypad between the fixed housing portion and the removable housing portion in response to the engaging of the latch element within the housing, as taught by Gammon et al., the motivation being in order to provide mobile terminal including a housing and an electronic circuit positioned in the housing.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 and 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (Pub. No: 2004/0203501) in view of Gammon et al. (Pub. No: 2005/0014537).

Regarding claim 1, Johnson et al. disclose a latching mechanism for assembly of a housing of an electronic device, comprising: a latch element 154 and 163 (fig. 14, [0043]); and a receiving element 167 contained within the housing 180 (fig. 14, [0043]), wherein the receiving element comprises: a recess for engaging the latch element 167 (fig. 14, [0043] and [0044]).

However, Johnson et al. do not disclose at least one audio port for providing an audio channel for the electronic device.

In the same field of endeavor, Gammon et al. disclose at least one audio port 422 for providing an audio channel for the electronic device (fig. 4, [0061] and [0063] to [0065].) In addition, it is obvious that Johnson et al. also disclose at least one audio port for providing an audio channel for the electronic device in order to allow a user to answer a phone call (please see fig. 1, there are three audio ports on a display 19 for providing an audio channel for the electronic device and [0019]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handset of Johnson et al. by specifically including at least one audio port for providing an audio channel for the electronic device, as taught by Gammon et al., the motivation being in order to provide an earpiece for a user of the mobile terminal.

Regarding claim 2, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 1. Further, Johnson et al. disclose the latching mechanism further comprising: a gap formed between the latch element and the receiving element ([0043] to [0044]). Moreover, Gammon et al. disclose the latching mechanism further comprising: wherein the audio channel further comprises the gap ([0061] and [0063] to [0065]).

Regarding claim 3, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 1. Further, Johnson et al. disclose the latching mechanism wherein the latch element is rotatably coupled to the recess, and further wherein the latch element rotation includes

a first orientation for disengaging the latch element from the housing and a second orientation for engaging the latch element within the housing ([0043] to [0044]).

Regarding claim 6, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 1. Further, Gammon et al. disclose the latching mechanism further comprising: a secondary latch element 425, wherein at least a portion of the housing is mechanically coupled between the latch element and the secondary latch element, wherein the secondary latch element comprises at least one secondary latch element audio port aligned with the at least one audio port, and further wherein the audio channel further comprises the at least one secondary latch element audio port (fig. 4 and fig. 5, [0061] and [0063] to [0065]).

Regarding claim 7, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 6. Further, Gammon et al. disclose the latching mechanism wherein the electronic device further comprises: an audio element, wherein at least a portion of the secondary latch element is mechanically coupled between the audio element and at least a portion of the housing (fig. 4 and fig. 5, [0061] and [0063] to [0065]).

Regarding claim 8, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 7. Further, Gammon et al. disclose the latching mechanism wherein the audio element generates an audio output, and further wherein the audio output is transmitted through the audio channel (fig. 4 and fig. 5, [0045], [0061] and [0063] to [0065]).

Regarding claim 9, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 8. Further, Gammon et al. disclose the latching mechanism wherein the

audio element receives an audio input through the audio channel (fig. 4 and fig. 5, [0045], [0061] and [0063] to [0065]).

Regarding claim 10, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 6. Further, Gammon et al. disclose the latching mechanism wherein the secondary latch element 425 comprises: an audio plate coupled between the latch element and at least a portion of the housing, wherein the audio plate includes at least one audio plate audio port, wherein the at least one secondary latch element audio port comprises the at least one audio plate audio port (fig. 4 and fig. 5, [0061] and [0063] to [0065]).

Regarding claim 11, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 10. Further, Gammon et al. disclose the latching mechanism wherein the secondary latch element further comprises: a seal coupled between the audio element and at least a portion of the housing, wherein the seal includes at least one seal audio port aligned with the at least one audio plate audio port, and wherein the at least one secondary latch element audio port further comprises the at least one seal audio port (fig. 4 and fig. 5, [0061] and [0063] to [0065]).

Regarding claim 12, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 1. Further, Gammon et al. disclose the latching mechanism wherein the housing further comprises: a fixed housing portion; and a removable housing portion, wherein the receiving element is contained within the removable housing portion, and further wherein the removable housing portion is assembled to the fixed housing portion when the latch element is engaged within the housing (fig. 4, [0059] to [0065]).

Regarding claim 13, the combination of Johnson et al. and Gammon et al. disclose all the limitations in claim 1. Further, Gammon et al. disclose the latching mechanism wherein the electronic device further comprises a keypad, and further wherein the keypad is assembled between the fixed housing portion and the removable housing portion and the removable housing portion when the latch element is engaged within the housing (fig. 4, [0059] to [0065]).

Reasons Subject Matter

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 is dependent on claim 4

Regarding claim 4, the prior art record does not disclose nor fairly suggest the **latching mechanism wherein the latch element comprises a protrusion, wherein the recess further comprises a similarly-shaped opening, and further wherein the protrusion aligns with the similarly-shaped opening in the second orientation.**

Response to Argument

9. Applicant, on page 12 of his response regarding independent claim 1, argues that Applicant respectfully disagrees with the Examiner's obviousness rejection. To find obviousness, there must be some suggestion or motivation, either in the prior art references themselves or in the knowledge generally available to one of skill in the art, to modify the prior art reference or to combine prior art reference teachings. Also, there must be a reasonable expectation of success (see MPEP 706.022). However, the examiner disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness

Art Unit: 2688

can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Johnson et al. disclose that the improved mobile telephone handset construction that provides a user quickly again access to the mobile telephone handset construction and thus be able to response the call. On the other hand, Gammon et al. disclose an opening 442 in the front cover 405 is positioned adjacent the first speaker 420 to provide an earpiece for a user of the mobile terminal 400. For that reason above, the examiner contends that Johnson is properly combined with Gammon.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Michel et al. (U.S. 6305588) releasable coupling for a mobile

Hong et al. (Pub. No: 20040125977) headphone

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2688

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramos Feliciano Eliseo can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2688

Date: 03-16-2006


ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER